

**30 CFR Part 926****Montana Abandoned Mine Land Reclamation (AMLR) Plan**

**AGENCY:** Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

**ACTION:** Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

**SUMMARY:** OSM is announcing receipt of a proposed amendment to the Montana AMLR plan (hereinafter, the "Montana plan") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of the addition of new provisions to the Montana plan concerning the reclamation of interim program and insolvent surety bond forfeiture coal sites, future set-aside funds and an acid mine drainage program, and water supply replacement project requirements. The amendment is intended to incorporate the additional flexibility afforded by SMCRA, as amended by the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101-508), and to improve operational efficiency.

**DATES:** Written comments must be received by 4 p.m., m.d.t., May 25, 1995. If requested, a public hearing on the proposed amendment will be held on May 22, 1995. Requests to present oral testimony at the hearing must be received by 4 p.m., m.d.t., on May 10, 1995.

**ADDRESSES:** Written comments should be mailed or hand delivered to Guy Padgett at the address listed below.

Copies of the Montana plan, the proposed amendment, and all written comments received in response to this document will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Casper Field Office.

Guy Padgett, Director, Casper Field Office, Office of Surface Mining Reclamation and Enforcement, 100 East B Street, room 2128, Casper, Wyoming 82601-1918

Vic Anderson, Director, Abandoned Mine Reclamation Bureau, Montana Department of State Lands, Capitol Station, 1625 Eleventh Avenue, Helena, Montana 59620, Telephone: (406) 444-2074

**FOR FURTHER INFORMATION CONTACT:** Guy Padgett, Telephone: (307) 261-5776.

**SUPPLEMENTARY INFORMATION:****I. Background on the Montana AMLR Plan**

On November 24, 1980, the Secretary of the Interior approved the Montana plan. General background information, including the Secretary's findings, the disposition of comments, and the approval of the Montana plan can be found in the November 24, 1980, **Federal Register** (45 FR 70445). Subsequent actions concerning Montana's plan and plan amendments can be found at 30 CFR 926.20 and 926.25.

**II. Proposed Amendment**

By letter dated March 22, 1995 (administrative record No. MT-AML-01), and memorandum dated April 5, 1995 (administrative record No. MT-AML-02), Montana submitted a proposed amendment to its AMLR plan pursuant to SMCRA. Montana submitted the proposed amendment at its own initiative. Montana proposed to revise its AMLR plan to allow implementation of several initiatives established under the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101-508). The first initiative involves use of abandoned mine reclamation funds for reclaiming high priority sites where mining occurred during the period beginning on August 4, 1977, and ending on or before April 1, 1980, and where any funds available for reclamation or abatement are not sufficient to provide for adequate reclamation or abatement at the site. The second initiative involves use of abandoned mine reclamation funds for reclaiming high priority sites where mining occurred during the period beginning on August 4, 1977, and ending on or before November 5, 1990, during which time the surety became insolvent, and where funds immediately available from proceedings relating to such insolvency or from any other source, are not sufficient to provide for adequate reclamation or abatement at the site. The third initiative involves setting aside up to 10 percent of the total of the abandoned mine reclamation grants made annually to Montana to provide for restoration of eligible lands and waters after expiration of the Federal abandoned mine land program and implementation of an acid mine drainage program. The fourth initiative allows Montana to expend up to 30 percent of the abandoned mine reclamation grant funds allocated each year to the State for the purpose of protecting, repairing, replacing, constructing, or enhancing facilities relating to water supply, including

water distribution facilities and treatment plants, and to replace water supplies adversely affected by past mineral mining practices.

**III. Public Comment Procedures**

In accordance with the provisions of 30 CFR 884.15(a) and 884.14(a), OSM is seeking comments on whether the proposed amendment satisfies the applicable plan approval criteria of 30 CFR 884.14. If the amendment is deemed adequate, it will become part of the Montana plan.

**1. Written Comments**

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under **DATES** or at locations other than the Casper Field Office will not necessarily be considered in the final rulemaking or included in the administrative record.

**2. Public Hearing**

Persons wishing to testify at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., m.d.t., May 10, 1995. The location and time of the hearing will be arranged with those persons requesting the hearing. Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under **FOR FURTHER INFORMATION CONTACT**. If no one requests an opportunity to testify at the public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to testify have been heard. Persons in the audience who have not been scheduled to testify, and who wish to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to testify and persons present in the audience who wish to testify have been heard.

**3. Public Meeting**

If only one person requests an opportunity to testify at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendment may

request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings will be open to the public and, if possible, notices of meetings will be posted at the locations listed under **ADDRESSES**. A written summary of each meeting will be made a part of the administrative record.

#### IV. Procedural Determinations

##### 1. Executive Order 12866

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

##### 2. Executive Order 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 (Civil Justice Reform) and has determined that this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State or Tribal AMLR plans and revisions thereof since each such plan is drafted and promulgated by a specific State or Tribe, not by OSM. Decisions on proposed State or Tribal AMLR plans and revisions thereof submitted by a State or Tribe are based on a determination of whether the submittal meets the requirements of Title IV of SMCRA (30 U.S.C. 1231–1243) and the applicable Federal regulations at 30 CFR parts 884 and 888.

##### 3. National Environmental Policy Act

No environmental impact statement is required for this rule since agency decisions on proposed State or Tribe AMLR plans and revisions thereof are categorically excluded from compliance with the National Environmental Policy Act (42 U.S.C. 4332) by the Manual of the Department of the Interior (516 DM 6, appendix 8, paragraph 8.4B(29)).

##### 4. Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

##### 5. Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic

effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements established by SMCRA or previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions in the analyses for the corresponding Federal regulations.

#### List of Subjects in 30 CFR Part 926

Intergovernmental relations, Surface mining, Underground mining.

Dated: April 19, 1995.

**Russell F. Price,**

*Acting Assistant Director, Western Support Center.*

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#### OFFICE OF MANAGEMENT AND BUDGET

##### Office of Federal Procurement Policy

##### 48 CFR Part 9903

##### Cost Accounting Standards Board; Changes in Cost Accounting Practices

**AGENCY:** Cost Accounting Standards Board, Office of Federal Procurement Policy, OMB.

**ACTION:** Advance notice of proposed rulemaking.

**SUMMARY:** The Cost Accounting Standards Board (CASB) invites coverage comments on proposed amendments to the regulatory provisions contained in Chapter 99 of Title 48. The proposed amendments would revise the current definitions and illustrations governing changes in cost accounting practices. Also proposed is the addition of a new Subpart to clarify the process for determining and resolving the cost impact on covered contract prices and/or contract costs when a contractor makes a change to its cost accounting practices, fails to comply with a Cost Accounting Standard (CAS) or fails to consistently follow its established cost accounting practices.

**DATES:** Requests for a copy of the proposed amendments must be in writing and must be received by June 26, 1995. Comments must be in writing and must be received by July 10, 1995.

**ADDRESSES:** Requests for a copy of the proposed amendments or comments pertaining to this Advance Notice of Proposed Rulemaking (ANPRM) should be addressed to Mr. Rudolph J. Schuhbauer, Project Director, Cost

Accounting Standards Board, Office of Federal Procurement Policy, 725 17th Street, NW, Room 9001, Washington, DC 20503. Attn: CASB Docket No. 93–01A.

**FOR FURTHER INFORMATION CONTACT:** Rudolph J. Schuhbauer, Project Director, Cost Accounting Standards Board (telephone 202–395–3254).

#### SUPPLEMENTARY INFORMATION:

##### A. Regulatory Process

The Cost Accounting Standards Board's rules and regulations are codified at 48 CFR Chapter 99. Section 26(g)(1) of the Office of Federal Procurement Policy Act, 41 U.S.C. § 422(g)(1), requires that the Board, prior to the promulgation of any new or revised Cost Accounting Standard, complete a prescribed rulemaking process. This process consists of the following four steps:

1. Consult with interested persons concerning the advantages, disadvantages and improvements anticipated in the pricing and administration of government contracts as a result of a proposed Standard.
  2. Promulgate an Advance Notice of Proposed Rulemaking.
  3. Promulgate a Notice of Proposed Rulemaking.
  4. Promulgate a Final Rule.
- This proposal is step two in the four step process.

##### B. Summary of Proposed Rule

In response to the Cost Accounting Standards Board's solicitation of agenda items, several commenters identified the Board's regulatory coverage on "changes in cost accounting practice" as a potential agenda item. The commenters advised the Board that industry and Government officials are interpreting the regulatory coverage differently and often disagree on whether a particular change made in a contractor's organizational structure did or did not result in a change in cost accounting practice. The Board, after review and extended discussions of the issues associated with the proposed topic, identified Organizational Changes and Changes In Cost Accounting Practices as a topic on which a research project should be started.

On April 9, 1993, the CASB published a notice in the **Federal Register**, 58 FR 18428, requesting public comments from interested parties concerning a Staff Discussion Paper on that topic. The purpose of the Staff Discussion Paper was to solicit public views concerning the advantages, disadvantages and improvements anticipated if the Board were to